

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Private Employment Agency Act is amended by  
5 changing Sections 1, 3, 11, and 12 and by adding Sections 1.5,  
6 12.2, 12.3, 12.4, 12.5, and 12.6 as follows:

7 (225 ILCS 515/1) (from Ch. 111, par. 901)

8 Sec. 1. Department of Labor; authority to license  
9 employment agencies; unlicensed operation; website listing of  
10 agencies; rulemaking authority.

11 (a) It shall be the duty of the Department of Labor and it  
12 shall have power, jurisdiction and authority to issue licenses  
13 to employment agencies or agents, and to refuse to issue  
14 licenses whenever, after due investigation, the Department of  
15 Labor finds that the character of the applicant makes him unfit  
16 to be an employment agent, or when the premises proposed to be  
17 used for conducting the business of an employment agency, is  
18 found, upon investigation, to be unfit for such use.

19 (b) Any such license granted by the Department of Labor may  
20 also be revoked or suspended by it upon due notice to the  
21 holder of said license and upon due cause shown and hearing  
22 thereon. Failure to comply with the duties, terms, rules,  
23 conditions or provisions required by any law of this State

1 governing employment agencies, or with any lawful order of the  
2 Department of Labor, shall be deemed cause to revoke or suspend  
3 such license.

4 (c) It is a violation of this Act to operate a private  
5 employment agency without first registering with the  
6 Department of Labor and obtaining a license in accordance with  
7 Section 1.5 of this Act. The Department has the authority to  
8 assess a penalty against any agency that fails to obtain a  
9 license from the Department in accordance with this Act or any  
10 rules adopted under this Act of \$500 for each violation. Each  
11 day during which an employment agency operates without a  
12 license shall be a separate and distinct violation of the Act.

13 (d) The Department shall create and maintain at regular  
14 intervals on its website, accessible to the public:

15 (1) a list of all licensed employment agencies in the  
16 State;

17 (2) a list of all employment agencies in the State  
18 whose license has been suspended, including the reason for  
19 the suspension, the date that the suspension was initiated,  
20 and the date, if known, the suspension is to be lifted; and

21 (3) a list of employment agencies in the State whose  
22 registration has been revoked, including the reason for the  
23 revocation and the date the registration was revoked.

24 (e) The Department of Labor shall have power, jurisdiction  
25 and authority to fix and order such reasonable rules and  
26 regulations for the conduct of the business of employment

1 agencies, as may be necessary to carry out the laws relating to  
2 employment agencies.

3 ~~The applicant shall furnish to the Department an affidavit~~  
4 ~~stating that he has never been a party to any fraud, has no~~  
5 ~~jail or prison record, belongs to no subversive societies, is~~  
6 ~~of good moral character, has business integrity and is~~  
7 ~~financially responsible.~~

8 ~~In determining moral character and qualification for~~  
9 ~~licensing, the Department may take into consideration any~~  
10 ~~criminal conviction of the applicant, but such a conviction~~  
11 ~~shall not operate as a bar to licensing.~~

12 ~~No person shall open, keep or carry on any employment~~  
13 ~~agency in the State of Illinois, unless such person shall~~  
14 ~~procure a license therefor from the Department of Labor. Any~~  
15 ~~person who shall open up, or conduct any such agency without~~  
16 ~~first procuring such license or without paying any fees~~  
17 ~~required by this Act, shall be guilty of a Class B misdemeanor.~~

18 ~~The application fee for such license shall be \$250 annually~~  
19 ~~for persons operating an agency with less than 3 employment~~  
20 ~~counsellors; \$350 annually for persons operating an agency with~~  
21 ~~from 3 to 5 employment counsellors; \$400 annually for persons~~  
22 ~~operating an agency employing from 6 to 10 employment~~  
23 ~~counsellors and \$500 annually for persons operating an agency~~  
24 ~~employing in excess of 10 employment counsellors. The~~  
25 ~~application fee is nonrefundable.~~

26 ~~Every license shall contain the name of the person~~

1 ~~licensed, or if a corporation, the name of the chief officer, a~~  
2 ~~designation of the city, street number of the building in which~~  
3 ~~the licensee is authorized to carry on the employment agency,~~  
4 ~~and the style or trade name under which such licensee is to~~  
5 ~~conduct the employment agency. Such license shall not be valid~~  
6 ~~to protect any person who operates any employment agency under~~  
7 ~~any other name than is mentioned in the license. No license~~  
8 ~~shall be valid to protect any place other than that designated~~  
9 ~~in the license, unless notice in writing was given by a~~  
10 ~~licensee to the Department of Labor that the licensee intends~~  
11 ~~to commence conduct of an employment agency at another or at an~~  
12 ~~additional location, which notice is accompanied by the~~  
13 ~~requisite fee and bond, or unless any employment agency~~  
14 ~~interviews on the premises of an employer client for employees~~  
15 ~~for the employer client and notifies the Department thereof at~~  
16 ~~least 48 hours prior thereto and the Department fails to raise~~  
17 ~~an objection to the interviewing. No such agency shall be~~  
18 ~~located in connection with any place where intoxicating liquors~~  
19 ~~are sold.~~

20 ~~The application for such license shall be filed with the~~  
21 ~~Department of Labor and the Department of Labor shall act upon~~  
22 ~~such application before 60 days from the time of filing such~~  
23 ~~application. The license shall run for one year from date of~~  
24 ~~issue, and no longer, unless sooner revoked by the Department~~  
25 ~~of Labor. Such application shall be posted in the office of the~~  
26 ~~Department of Labor from date of filing thereof and until such~~

1 ~~time as such application is acted upon. Such application shall~~  
2 ~~contain the name, address and telephone number of the person~~  
3 ~~who desires to secure a license, and shall be signed by him. If~~  
4 ~~the application is filed on behalf of a partnership, the~~  
5 ~~application shall contain the date when the partnership was~~  
6 ~~formed, and the names and addresses of all partners, and shall~~  
7 ~~be signed by one of the partners. If the application is filed~~  
8 ~~on behalf of a corporation, the application shall contain the~~  
9 ~~date when the corporation was formed, the state of~~  
10 ~~incorporation, and the names and addresses of all officers of~~  
11 ~~the corporation, and shall be signed by the president and~~  
12 ~~secretary of the corporation. The application shall state~~  
13 ~~whether or not any person mentioned in the application was ever~~  
14 ~~engaged in the business of conducting an employment agency, or~~  
15 ~~was employed by an employment agency in this State or elsewhere~~  
16 ~~and shall set forth the facts if any concerning such previous~~  
17 ~~connection with the employment agency business. The~~  
18 ~~application shall contain the name and address of the person~~  
19 ~~who is to have the general management of the agency.~~

20 ~~Such application shall state whether or not any person~~  
21 ~~mentioned in the application is pecuniarily interested in any~~  
22 ~~other business and if so, the nature of such business and where~~  
23 ~~it is carried on. Such applicant shall also state whether the~~  
24 ~~person or persons mentioned in the application are the only~~  
25 ~~persons pecuniarily interested in the business to be carried on~~  
26 ~~under the license. Such application shall also contain such~~

1 ~~other information as the Department shall by regulation~~  
2 ~~require. Such application shall be accompanied by such evidence~~  
3 ~~of the applicant's business reputation for integrity and such~~  
4 ~~evidence of the applicant's financial responsibility as the~~  
5 ~~Department may by regulation require. Such application shall be~~  
6 ~~accompanied by the affidavits of two persons of business or~~  
7 ~~professional integrity, residing within the city or town~~  
8 ~~wherein such applicant resides or intends to conduct his~~  
9 ~~business, and such affiants shall state that they have known~~  
10 ~~the applicant for a period of two years, that the applicant is~~  
11 ~~a person of good moral character.~~

12 ~~Upon the filing of such application, the Department shall~~  
13 ~~cause an investigation to be made as to the character and the~~  
14 ~~business integrity and financial responsibility of the~~  
15 ~~applicant and those mentioned in the application, and as to the~~  
16 ~~fitness of the premises to be used. The application shall be~~  
17 ~~rejected if the Department shall find that any of the persons~~  
18 ~~named in the application is not of good moral character,~~  
19 ~~business integrity and financial responsibility, if the~~  
20 ~~premises are unfit or if there is any good and sufficient~~  
21 ~~reason within the meaning and purpose of this Act for rejecting~~  
22 ~~such application. Unless the application shall be rejected for~~  
23 ~~one or more of the causes specified above, it shall be granted.~~  
24 ~~A detailed report of such investigation and the action taken~~  
25 ~~thereon shall be made in writing, signed by the investigator~~  
26 ~~and become a part of the official records of the Department's~~

1 ~~office.~~

2 ~~When at the time of filing the application, the applicant~~  
3 ~~or any person mentioned in the application is employed as an~~  
4 ~~employment counsellor by a licensed employment agency in this~~  
5 ~~State, the department shall notify the agency of this fact.~~

6 ~~Such license shall be renewed upon licensee furnishing the~~  
7 ~~Department accompanied by the required application fee, a~~  
8 ~~letter from a surety stating that a sufficient bond is in force~~  
9 ~~and other documents necessary to complete the renewal. Failure~~  
10 ~~to renew a license at its expiration date shall cause the~~  
11 ~~license to lapse and may only be reinstated by a new~~  
12 ~~application.~~

13 ~~No license shall be transferrable, but a licensee may at~~  
14 ~~any time with the approval of the Department, make changes in~~  
15 ~~the structure of the business entity operating the agency, but~~  
16 ~~no licensee shall permit any person not mentioned in the~~  
17 ~~original application for a license to become a partner if such~~  
18 ~~agency is a partnership, or an officer of the corporation if~~  
19 ~~such agency is a corporation, unless the written consent of the~~  
20 ~~Department of Labor shall first be obtained. Such consent may~~  
21 ~~be withheld for any reason for which an original application~~  
22 ~~might have been rejected, if the person in question had been~~  
23 ~~mentioned therein. No such change shall be permitted until the~~  
24 ~~written consent of the surety or sureties on the bond required~~  
25 ~~to be filed by Section 2 of this Act, to such change, be filed~~  
26 ~~with the original bond. The Department shall be notified~~

1 ~~immediately of any change in the management of the agency so~~  
2 ~~that at all times the identity of the person charged with the~~  
3 ~~general management of the agency shall be known by the~~  
4 ~~Department. Licensee may promote persons within its agency or~~  
5 ~~change the titles and duties of existing agency personnel other~~  
6 ~~than the General Manager without notice to the Department.~~

7 ~~Each applicant for a license shall file with the~~  
8 ~~application a schedule of fees, charges and commissions,~~  
9 ~~which he intends to charge and collect for his services,~~  
10 ~~together with a copy of all forms and contracts to be used~~  
11 ~~in the operation of the agency. Such schedule of fees,~~  
12 ~~charges and commissions may thereafter be changed by filing~~  
13 ~~with the Department of Labor an amended or supplemental~~  
14 ~~schedule, showing such changes, at least 15 days before~~  
15 ~~such change is to become effective. Any change in forms or~~  
16 ~~contracts must be filed with the Department of Labor at~~  
17 ~~least 15 days before such change is to become effective.~~  
18 ~~Such schedule of fees to be charged shall be posted in a~~  
19 ~~conspicuous place in each room of such agency where~~  
20 ~~applicants are interviewed and such schedule of fees shall~~  
21 ~~be printed in not less than 30 point bold faced type.~~  
22 ~~Agencies which deal exclusively with employer paid fees~~  
23 ~~shall not be required to post said schedule of fees. The~~  
24 ~~Department may by regulation require contracts to contain~~  
25 ~~definitions of terms used in such contracts to eliminate~~  
26 ~~ambiguity.~~

1 ~~It shall be unlawful for any employment agency to charge,~~  
2 ~~collect or receive a greater compensation for any service~~  
3 ~~performed by it than is specified in such schedule filed with~~  
4 ~~the Department of Labor. It shall be unlawful for any~~  
5 ~~employment agency to collect or attempt to collect any~~  
6 ~~compensation for any service not specified in the schedule of~~  
7 ~~fees filed with the department.~~

8 (Source: P.A. 85-1408; 86-1043.)

9 (225 ILCS 515/1.5 new)

10 Sec. 1.5. Application for license; application fees;  
11 disclosure of fees, charges, and commissions; investigation of  
12 applicants; renewal of license; changes in structure and  
13 management of licensees.

14 (a) The applicant for a license shall furnish to the  
15 Department the following:

16 (1) An affidavit stating that he has never been a party  
17 to any fraud, has no jail or prison record, belongs to no  
18 subversive societies, is of good moral character, has  
19 business integrity and is financially responsible. In  
20 determining moral character and qualification for  
21 licensing, the Department may take into consideration any  
22 criminal conviction of the applicant, but such a conviction  
23 shall not operate as a bar to licensing.

24 (2) A completed application, on a form provided by the  
25 Department, that includes the name of the person,

1 corporation, or other entity applying for the license; the  
2 location at which the person intends to conduct business;  
3 the type of employment services provided; and a disclosure  
4 of any other pecuniary interests held by the entity  
5 applying for the license.

6 (3) An application fee. The Director shall adopt rules  
7 to establish a schedule of fees for application for a  
8 license. The application fee is nonrefundable.

9 (4) A schedule of fees, charges, and commissions, which  
10 the employment agency intends to charge and collect for its  
11 services, together with a copy of all forms and contracts  
12 that the agency intends to be used in the operation of the  
13 agency. Such schedule of fees, charges, and commissions may  
14 thereafter be changed by filing with the Department an  
15 amended or supplemental schedule showing such changes at  
16 least 15 days before such change is to become effective.  
17 Any change in forms or contracts must be filed with the  
18 Department of Labor at least 15 days before such change is  
19 going to become effective. Such schedule of fees to be  
20 charged shall be posted in a conspicuous place in each room  
21 of such an agency where applicants are interviewed, in not  
22 less than 30 point bold-faced type. Agencies which deal  
23 exclusively with employer paid fees shall not be required  
24 to post said schedule of fees. The Department may by rule  
25 require contracts to contain definitions of terms used in  
26 such contracts to eliminate ambiguity.

1       It shall be unlawful for any employment agency to charge,  
2 collect, or receive a greater compensation for any service  
3 performed by it than is specified in the schedule filed with  
4 the Department. It shall be unlawful for any employment agency  
5 to collect or attempt to collect any compensation for any  
6 service not specified in the schedule of fees filed with the  
7 Department.

8       (b) Upon the filing of such application and supporting  
9 documentation, the Department shall cause an investigation to  
10 be made as to the character and the business integrity and  
11 financial responsibility of the applicant and those mentioned  
12 in the application, and as to the fitness of the premises to be  
13 used. The application shall be rejected if the Department finds  
14 that any of the persons named in the application fail to  
15 demonstrate good moral character, business integrity and  
16 financial responsibility, if the premises are unfit, or if  
17 there is any good and sufficient reason within the meaning and  
18 purpose of this Act for rejecting such application. Unless the  
19 application shall be rejected for one or more of the causes  
20 specified above, it shall be granted. A detailed report of such  
21 investigation and the action taken thereon shall be made in  
22 writing, signed by the investigator, and become a part of the  
23 official records of the Department. When, at the time of filing  
24 the application, the applicant or any person mentioned in the  
25 application is employed as an employment counsellor by a  
26 licensed employment agency in this State, the Department shall

1 notify the agency of this fact.

2 (c) Once issued, a license may be renewed annually by  
3 furnishing the Department the required application fee, a  
4 letter from a surety stating that a sufficient bond is in  
5 force, and other documents necessary to complete the renewal.  
6 Failure to renew a license at its expiration date shall cause  
7 the license to lapse and it may only be reinstated by a new  
8 application.

9 (d) No license shall be transferrable, but a licensee may,  
10 with the approval of the Department, make changes in the  
11 structure of the business entity operating the agency, but no  
12 licensee shall permit any person not mentioned in the original  
13 application for a license to become a partner if such agency is  
14 a partnership, or an officer of the corporation if such agency  
15 is a corporation, unless the written consent of the Department  
16 of Labor shall first be obtained. Such consent may be withheld  
17 for any reason for which an original application might have  
18 been rejected, if the person in question had been mentioned  
19 therein. No such change shall be permitted until the written  
20 consent of the surety or sureties on the bond required to be  
21 filed by Section 2 of this Act, to such change, is filed with  
22 the original bond. The Department shall be notified immediately  
23 of any change in the management of the agency so that at all  
24 times the identity of the person charged with the general  
25 management of the agency shall be known by the Department. A  
26 licensee may promote persons within its agency or change the

1 titles and duties of existing agency personnel, other than the  
2 general manager, without notice to the Department.

3 (225 ILCS 515/3) (from Ch. 111, par. 903)

4 Sec. 3. Records. It shall be the duty of every such  
5 licensed person to keep a complete record in the English  
6 language of all orders for employees which are received from  
7 prospective employers. Upon request of the Department, a  
8 licensee shall verify the date when the order was received, the  
9 name of the person recording the job order, the name and  
10 address of the employer seeking the services of an employee,  
11 the name of the person placing the order, the kind of employee  
12 requested, the qualifications required in the employee, the  
13 salary or wages to be paid if known, and the possible duration  
14 of the job. Prior to the placement of any job advertisement, an  
15 employment agency must have a current, bona fide job order, and  
16 must maintain a copy of both the advertisement and the job  
17 order in a register established specially for that purpose. The  
18 term "current, bona fide job order" shall be defined as a job  
19 order obtained by the employment agency within 30 days prior to  
20 the placement of the advertisement. A job order must be renewed  
21 after 45 days and must be annotated with the name of the  
22 representative of the prospective employer who authorized the  
23 renewal and the date on which the renewal was authorized.

24 Such employment agency shall also keep a complete record in  
25 the English language of each applicant to whom employment is

1 offered or promised and who is sent out by the agency to secure  
2 a job or interview. This record, which shall be called the  
3 Applicant's Record, shall contain the date when the applicant  
4 was sent out for the job or interview, the name of the  
5 applicant, the name and address of the person or firm to whom  
6 sent, the type of job offered and the wages or salary proposed  
7 to be paid if known.

8 The agency shall also keep a record of all payments to it  
9 of any and all placement fees received and refunded. This  
10 record shall be called a Fee Transaction record. It shall  
11 contain the date of each transaction, the name of the person  
12 making the remittance, the amount paid, a designation  
13 indicating whether the amount paid is in full or on account,  
14 the receipt number and the date and the amount of any refund.

15 Notwithstanding the provisions of this Act concerning the  
16 records required to be kept by employment agencies, the  
17 Director of Labor may by regulation permit teachers' agencies,  
18 medical agencies, nurses' registries, theatrical agencies,  
19 contract labor agencies, baby sitter agencies and such other  
20 agencies of a like nature who serve the needs of a specialized  
21 class of workers, to keep such records concerning job orders,  
22 listing of placed applicants, listing of available applicants  
23 and payments of fees by either the employer or the employee as  
24 the Department by regulation may approve.

25 The aforesaid records shall be kept in the agency for 3  
26 years ~~one year~~ and shall be open during office hours to

1 inspection by the Department and its duly qualified agents, or  
2 produced in response to a subpoena issued by the Attorney  
3 General in accordance with Section 10-104 of the Illinois Human  
4 Rights Act. No such licensee, or his employee, shall knowingly  
5 make any false entry in such records. It is a violation of this  
6 Act to falsify or fail to keep any of the aforesaid records.

7 (Source: P.A. 91-357, eff. 7-29-99.)

8 (225 ILCS 515/11) (from Ch. 111, par. 914)

9 Sec. 11. Definitions. When used in this Act, unless the  
10 context indicates otherwise:

11 The term "employment agency" means any person engaged for  
12 gain or profit in the business of placing, referring, securing,  
13 or attempting to secure employment for persons seeking  
14 employment, or in finding employees for employers. However, the  
15 term "employment agency" shall not include any person engaged  
16 in the business of consulting or recruiting, and who in the  
17 course of such business is compensated solely by any employer  
18 to identify, appraise, or recommend an individual or  
19 individuals who are at least 18 years of age or who hold a high  
20 school diploma for consideration for a position, provided that  
21 in no instance is the individual who is identified, appraised,  
22 or recommended for consideration for such position charged a  
23 fee directly or indirectly in connection with such  
24 identification, appraisal, or recommendation, or for  
25 preparation of any resume, or on account of any other personal

1 service performed by the person engaged in the business of  
2 consulting or recruiting; but this exclusion is not applicable  
3 to theatrical employment agencies or domestic service  
4 employment agencies.

5 The term "employer" means any person employing or seeking  
6 to employ any person for hire.

7 The term "employee" means any person performing or seeking  
8 to perform work or services of any kind or character whatsoever  
9 for hire.

10 The term "person" means any person, firm, association,  
11 partnership, limited liability company, association, or  
12 corporation, or other legal entity or its legal  
13 representatives, agents, or assigns.

14 The term "employment counsellor" means employees of any  
15 employment agency who interview, counsel, or advise applicants  
16 or employers or both on employment or allied problems, or who  
17 make or arrange contracts or contacts between employers and  
18 employees. The term "employment counsellor" includes employees  
19 who solicit orders for employees from prospective employers.

20 The term "acceptance" means a mutual agreement, verbal or  
21 written, between employee and employer as to starting salary,  
22 position, time and place of employment.

23 The term "applicant" means any person who uses the services  
24 of an employment agency to secure employment for himself.

25 The term "department" means the Department of Labor.

26 The term "Director" means the Director of the Department of

1 Labor.

2 The term "fee" means money or a promise to pay money. The  
3 term "fee" also means and includes the excess of money received  
4 by any such licensee over what he has paid for transportation,  
5 transfer of baggage, or lodging, for any applicant for  
6 employment. The term "fee" also means and includes the  
7 difference between the amount of money received by any person,  
8 who furnishes employees or performers for any entertainment,  
9 exhibition or performance, and the amount paid by the person  
10 receiving the amount of money to the employees or performers  
11 whom he hires to give such entertainment, exhibition or  
12 performance.

13 The term "privilege" means and includes the furnishing of  
14 food, supplies, tools or shelter to contract laborers, commonly  
15 known as commissary privileges.

16 The term "theatrical employment agency" means and includes  
17 the business of conducting an agency, bureau, office or any  
18 other place for the purpose of procuring or offering, promising  
19 or attempting to provide engagements for persons who want  
20 employment in the following occupations: circus, vaudeville,  
21 theatrical and other entertainment, or exhibitions, or  
22 performances, or of giving information as to where such  
23 engagements may be procured or provided, whether such business  
24 is conducted in a building, on the street, or elsewhere.

25 The term "theatrical engagement" means and includes any  
26 engagement or employment of a person as an actor, performer, or

1 entertainer, in a circus, vaudeville, theatrical or any other  
2 entertainment, exhibition or performance.

3 The term "emergency engagement" means and includes any  
4 engagement that is to be performed within 24 hours of the time  
5 such application was made by an employer.

6 The term "domestic service" means household work in the  
7 home of the employer and includes, but is not limited to, work  
8 as a maid, cook, butler, gardener, chauffeur, housekeeper or  
9 babysitter.

10 (Source: P.A. 89-295, eff. 8-11-95.)

11 (225 ILCS 515/12) (from Ch. 111, par. 915)

12 Sec. 12. Enforcement of Act; hearing procedure;  
13 disciplinary actions; certification of records and costs;  
14 action to force compliance with a valid order.

15 (a) The enforcement of this Act shall be entrusted to the  
16 Department of Labor, which shall appoint such inspectors and  
17 officers as it may deem necessary to carry out the provisions  
18 of this Act. The Director of Labor or his authorized  
19 representative shall have the power to conduct investigations  
20 in connection with the administration and enforcement of this  
21 Act, and any investigator with the Department shall be  
22 authorized to visit and inspect such places and records as the  
23 Director of Labor may deem necessary or appropriate to  
24 determine if there has been a violation of this Act.

25 (b) The Director of Labor or his designated representative

1 shall have the power and authority to conduct hearings in  
2 accordance with "The Illinois Administrative Procedure Act",  
3 as now or hereafter amended, subject to appropriation and upon  
4 complaint by an authorized officer of the Department of Labor  
5 or any interested person of a violation of the Act or the rules  
6 and regulations of the Department of Labor. The Director of  
7 Labor or his duly qualified assistants shall have the power to  
8 issue subpoenas requiring the attendance of witnesses and the  
9 production of books and papers pertinent to such hearing, and  
10 to administer oaths to such witnesses. If any witness refuses  
11 to obey a subpoena issued hereunder, the Director of Labor may  
12 petition the circuit court of the county in which the hearing  
13 is held for an order requiring the witness to attend and  
14 testify or produce documentary evidence. The circuit court  
15 shall hear the petition and if it appears that the witness  
16 should testify or should produce documentary evidence, it may  
17 enter an order requiring the witness to obey the subpoena. The  
18 court may compel obedience by attachment proceedings as for  
19 contempt of court. A calendar of all such hearings shall be  
20 kept by the Department of Labor, and shall be posted in a  
21 conspicuous place in its public office for at least one day  
22 before the date of such hearing. ~~The result of such hearing~~  
23 ~~shall be rendered within 30 days from the time the matter is~~  
24 ~~finally submitted.~~

25 (c) After the hearing, if supported by the evidence, the  
26 The Director of Labor may:

1           (1) issue and cause to be served on any party to a  
2 formal hearing ~~if supported by the evidence~~ an order to  
3 cease and desist from violation of the Act;;

4           (2) take such further affirmative or other action as  
5 deemed reasonable to eliminate the effect of the  
6 violation;;

7           (3) refuse to issue and may revoke or suspend any  
8 license;; ~~and for any good cause shown within the meaning  
9 and purpose of this Act.~~

10           (4) determine the amount of any civil penalty permitted  
11 by this Act. ~~When it is shown to the satisfaction of the  
12 Director of Labor that any person is guilty of any immoral,  
13 fraudulent or illegal conduct in connection with the  
14 conduct of the business, it shall be the duty of the  
15 Director of Labor to revoke or suspend the license of such  
16 person, but notice of such charges shall be presented and  
17 reasonable opportunity shall be given the licensee to  
18 defend himself in the manner and form heretofore provided  
19 in this Section of the Act.~~

20           Whenever the Director of Labor shall issue an order after  
21 hearing as provided in this Section, ~~refuse to issue, or revoke~~  
22 ~~the license of any such employment agency or employment~~  
23 ~~counselor,~~ the determination shall be reviewable under and in  
24 accordance with the provisions of the Administrative Review  
25 Law.

26           (d) The Department shall certify the record of its

1 proceedings if the party commencing the proceedings shall pay  
2 to it the cost of preparing and certifying such records,  
3 including the recording and transcribing of all testimony  
4 introduced in the proceedings. If payment for such costs is not  
5 made by the party commencing the proceedings for review within  
6 10 days after notice from the Department of the cost of  
7 preparing and certifying the record, the court in which the  
8 proceeding is pending, on motion of the Director, shall dismiss  
9 the complaint. Whenever, for any cause such license is revoked,  
10 the revocation shall not take effect until 7 days after such  
11 revocation is officially announced; and such revocation shall  
12 be considered good cause for refusing to issue another license  
13 to the person or his representative, or to any person with whom  
14 he is to be associated in the business of furnishing employment  
15 or employees.

16 (e) Whenever it appears that any employment agency has  
17 violated a valid order of the Director of Labor issued under  
18 this Act, the Director may commence an action and obtain from  
19 the court an order upon the employment agency commanding the  
20 employment agency to obey the order of the Director or be  
21 adjudged guilty of contempt of court and punished accordingly.  
22 ~~Any person who violates any provisions of this Act, except as~~  
23 ~~provided in Sections 1, 4 and 10, commits a business offense,~~  
24 ~~and shall be fined up to \$1000. The Department of Labor or its~~  
25 ~~duly authorized agents may institute criminal proceedings for~~  
26 ~~its enforcement in the circuit court.~~

1 (Source: P.A. 82-783.)

2 (225 ILCS 515/12.2 new)

3 Sec. 12.2. Civil penalties for violations of the Act;  
4 hearing procedure.

5 (a) An employment agency that violates any of the  
6 provisions of this Act or any rule adopted under this Act shall  
7 be subject to a civil penalty not to exceed \$6,000 for  
8 violations found in the first audit by the Department.  
9 Following a first audit, an employment agency shall be subject  
10 to a civil penalty not to exceed \$2,500 for each repeat  
11 violation found by the Department within 3 years. For purposes  
12 of this subsection (a), each violation of this Act, for each  
13 day the violation continues, shall constitute a separate and  
14 distinct violation. In determining the amount of a penalty, the  
15 Director of Labor shall consider the appropriateness of the  
16 penalty to the employment agency or employer charged, upon the  
17 determination of the gravity of the violations. For any  
18 violation determined by the Department to be willful which is  
19 within 3 years of an earlier violation, the Department may  
20 revoke the license of the violator, if the violator is an  
21 employment agency.

22 (b) An employment agency that willfully violates any of the  
23 provisions of this Act or any rule adopted under this Act, or  
24 obstructs the Department, its inspectors or deputies, or any  
25 other person authorized to inspect places of employment under

1 this Act shall be liable for penalties up to double the  
2 statutory amount.

3 (c) The Director of Labor may adopt rules in accordance  
4 with Section 12 of this Act for the conduct of hearings and  
5 collection of penalties assessed under this Section. Penalties  
6 assessed under this Section, when determined, may be recovered  
7 in a civil action brought by the Director of Labor in any  
8 circuit court. In any such action, the Director of Labor shall  
9 be represented by the Attorney General.

10 (225 ILCS 515/12.3 new)

11 Sec. 12.3. Violations of the Illinois Minimum Wage Law and  
12 the Wage Payment and Collection Act.

13 (a) It is a violation of this Act for an employment agency  
14 to refer an individual for employment at a wage rate less than  
15 that established by Section 4 of the Illinois Minimum Wage Law,  
16 or to facilitate underpayment of wages by an employer in any  
17 manner. An employment agency that knowingly refers an  
18 individual for employment at less than the minimum wage that  
19 results in underpayment to an employee is jointly liable for  
20 statutory damages as provided for in Section 12 of the Illinois  
21 Minimum Wage Law.

22 (b) It is a violation of this Act for an employment agency  
23 to facilitate illegal deductions from wages or nonpayment of  
24 wages by an employer in violation of the Wage Payment and  
25 Collection Act. An employment agency that facilitates illegal

1 deduction of wages or nonpayment of wages is jointly liable for  
2 statutory damages as provided for in Section 14 of the Wage  
3 Payment and Collection Act.

4 (225 ILCS 515/12.4 new)

5 Sec. 12.4. Employer violations of Act; civil penalties;  
6 hearing procedure.

7 (a) An employment agency shall be required to provide each  
8 of its employer clients with proof of a valid license issued by  
9 the Department at the time of entering into a contract. An  
10 employment agency shall be required to notify, both by  
11 telephone and in writing, each employer with whom it contracts  
12 within 24 hours of any denial, suspension, or revocation of its  
13 license by the Department. All contracts between any employment  
14 agency and any employer shall be considered null and void from  
15 the date any denial, suspension, or revocation of license  
16 becomes effective and until such time as the employment agency  
17 becomes licensed and considered in good standing by the  
18 Department.

19 (b) The Department shall provide on the Internet a list of  
20 entities licensed as employment agencies, as provided for in  
21 Section 1 of this Act. An employer may rely on information  
22 provided by the Department or maintained on the Department's  
23 website pursuant to Section 1 of this Act and shall be held  
24 harmless if the information maintained or provided by the  
25 Department was inaccurate. It is a violation of this Act for an

1 employer to accept a referral of an individual for employment  
2 from an employment agency not licensed under Section 1.5 of  
3 this Act.

4 If, upon investigation, the Department finds that a  
5 violation of this subsection (b) has occurred, for a first  
6 violation by an employer, the Department shall provide notice  
7 to any employer that it finds is doing business with an  
8 unlicensed employment agency. The notice shall identify the  
9 unlicensed entity, indicate that any contract between the  
10 unlicensed employment agency and the employer client is null  
11 and void, provide information regarding the Department's  
12 website that lists licensed employment agencies, and inform the  
13 employer of penalties for subsequent violations.

14 For a second violation by an employer, or if the first  
15 violation is not remedied within 10 days of notice by the  
16 Department, the Director may impose a civil penalty of up to  
17 \$500 for each referral of an individual for employment accepted  
18 from an employment agency not licensed under Section 1.5.

19 For any violation by an employer after the second  
20 violation, the Director may impose a civil penalty of up to  
21 \$1,500 for each referral of an individual for employment  
22 accepted from an employment agency not licensed under Section  
23 1.5. If the first violation is not remedied within 30 days of  
24 notice by the Department, the Director may impose an additional  
25 civil penalty of up to \$1,500 for every 30 days that passes  
26 thereafter.

1       (c) The Director of Labor may adopt rules for the conduct  
2 of hearings and collection of these penalties assessed under  
3 this Section in accordance with Section 12 of this Act. The  
4 amount of these penalties, when finally determined, may be  
5 recovered in a civil action brought by the Director of Labor in  
6 any circuit court. In any such action, the Director of Labor  
7 shall be represented by the Attorney General.

8           (225 ILCS 515/12.5 new)

9       Sec. 12.5. Employment agency retaliation against  
10 employees; civil penalties; right of private suit.

11       (a) It is a violation of this Act for a private employment  
12 agency, or any agent of a private employment agency, to  
13 retaliate in any manner against any employee for exercising any  
14 rights granted under this Act or any rights granted by the wage  
15 laws of this State. Specifically, it is a violation of this Act  
16 for a private employment agency or employer to retaliate  
17 against an employee for:

18           (1) making a complaint to an employment agency, to an  
19 employer, to a co-worker, to a community organization,  
20 before a public hearing, or to a State or federal agency  
21 that rights guaranteed under this Act or any wage law of  
22 this State have been violated;

23           (2) causing to be instituted any proceeding under or  
24 related to this Act or any wage law of this State; or

25           (3) testifying or preparing to testify in an

1 investigation or proceeding under this Act or any wage law  
2 of this State.

3 (b) Such retaliation shall subject an employment agency to  
4 civil penalties pursuant to Section 12.1 of this Act. The  
5 Director may adopt rules for the conduct of hearings and  
6 collection of these penalties assessed under this Section in  
7 accordance with Section 12 of this Act.

8 (c) An individual who is retaliated against in violation of  
9 this Section may, alternately, bring a private suit to recover  
10 all legal or equitable relief as may be appropriate and  
11 attorney's fees and costs. Such a suit must be brought in the  
12 circuit court of Illinois in the county where the alleged  
13 offense occurred or where the employment agency is located. The  
14 right of an aggrieved individual to bring an action under this  
15 Section terminates upon the passing of 3 years from the date of  
16 referral by the employment agency. This limitations period is  
17 tolled if the employment agency has deterred the employee's  
18 exercise of rights under this Act.

19 (225 ILCS 515/12.6 new)

20 Sec. 12.6. Child Labor and Day and Temporary Labor Services  
21 Enforcement Fund. All moneys received as fees and penalties  
22 under this Act shall be deposited into the Child Labor and Day  
23 and Temporary Labor Services Enforcement Fund and may be used  
24 for the purposes set forth in Section 17.3 of the Child Labor  
25 Law.

1           Section 10. The Child Labor Law is amended by changing  
2 Section 17.3 as follows:

3           (820 ILCS 205/17.3) (from Ch. 48, par. 31.17-3)

4           Sec. 17.3. Any employer who violates any of the provisions  
5 of this Act or any rule or regulation issued under the Act  
6 shall be subject to a civil penalty of not to exceed \$5,000 for  
7 each such violation. In determining the amount of such penalty,  
8 the appropriateness of such penalty to the size of the business  
9 of the employer charged and the gravity of the violation shall  
10 be considered. The amount of such penalty, when finally  
11 determined, may be

12           (1) recovered in a civil action brought by the Director  
13 of Labor in any circuit court, in which litigation the  
14 Director of Labor shall be represented by the Attorney  
15 General;

16           (2) ordered by the court, in an action brought for  
17 violation under Section 19, to be paid to the Director of  
18 Labor.

19           Any administrative determination by the Department of  
20 Labor of the amount of each penalty shall be final unless  
21 reviewed as provided in Section 17.1 of this Act.

22           Civil penalties recovered under this Section shall be paid  
23 into the Child Labor and Day and Temporary Labor Services  
24 Enforcement Fund, a special fund which is hereby created in the

1 State treasury. Moneys in the Fund may be used, subject to  
2 appropriation, for exemplary programs, demonstration projects,  
3 and other activities or purposes related to the enforcement of  
4 this Act or for the activities or purposes related to the  
5 enforcement of the Day and Temporary Labor Services Act, or for  
6 the activities or purposes related to the enforcement of the  
7 Private Employment Agency Act.

8 (Source: P.A. 98-463, eff. 8-16-13.)